

**Minutes of the meeting of Planning and regulatory committee held at Council Chamber, The Shire Hall, St Peter's Square, Hereford, HR1 2HX on Wednesday 4 October 2017 at 2.00 pm**

**Present:** Councillor PGH Cutter (Chairman)  
Councillor J Hardwick (Vice-Chairman)

**Councillors:** BA Baker, CR Butler, PJ Edwards, EPJ Harvey, TM James, JLV Kenyon, FM Norman, NE Shaw, J Stone, EJ Swinglehurst and SD Williams

**In attendance:** Councillor JM Bartlett

**62. APOLOGIES FOR ABSENCE**

Apologies were received from Councillors DW Greenow, KS Guthrie, EL Holton, AJW Powers, A Seldon and WC Skelton.

**63. NAMED SUBSTITUTES**

Councillor EPJ Harvey substituted for Councillor AJW Powers, Councillor NE Shaw for Councillor EL Holton, Councillor J Stone for Councillor KS Guthrie, Councillor D Summers for Councillor A Seldon and Councillor SD Williams for Councillor WC Skelton.

**64. DECLARATIONS OF INTEREST**

**Agenda item 7: 162556 – Land West of Eaton Hill, Leominster**

Councillor FM Norman declared a non-pecuniary interest as a member of Leominster Town Council.

**65. 162556 - LAND WEST OF EATON HILL, LEOMINSTER, HEREFORDSHIRE**

*(Erection of two poultry units, feed bins, widening of existing access, new access track and associated development.)*

*(Councillor J Stone was fulfilling the role of local ward member and accordingly had no vote on this application.)*

The Principal Planning Officer (PPO) gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr R Barton of Leominster Town Council spoke in opposition to the Scheme. Ms A Haydock, a local resident, spoke in objection. Mr G Clark, the applicant's agent, spoke in support.

In accordance with the Council's Constitution, the local ward members for relevant wards Councillors J M Bartlett and J Stone, spoke on the application.

Councillor Stone made the following principal comments:

- He expressed concerns about highway safety, noting the objection made by Brightwells who had themselves been refused a comparable access onto the A49. He was surprised that Highways England had no objection given the local traffic conditions. He welcomed the clarification in the update of the condition to avoid right hand turns onto the A49 and the requirement for a traffic management plan. He asked whether special markings could be put on the A49 and whether pedestrian safety on the public footpath was satisfactory.
- He highlighted the other concerns expressed in representations made by Leominster Town Council and Kimbolton Parish Council, the Hereford and Worcester Gardens Trust, and the WoodlandTrust as referenced in the report.
- The proposed development did fall within Flood Zones 2 and 3. It was essential that there was assurance that the proposed mitigation measures would be effective. He referred to the Environment Agency's comments on page 14 of the agenda papers that questioned in terms of a sequential approach whether the site was the most suitable location for the poultry units.
- Regard should also be had to the impact on West Eaton Nursing Home.

Councillor Bartlett made the following principal comments:

- The site was clearly vulnerable to flooding. Whilst some issues had been addressed many matters remained to be resolved. The proposal represented an unacceptable risk to the River Wye. In accordance with paragraph 102 of the NPPF an exception test was required. She considered that the requirement that wider sustainability benefits to the community should outweigh flood risk had not been met.
- She referred to the provision in the Leominster Town Neighbourhood Development Plan, based on the County's former Unitary Development Plan, seeking to regulate agricultural development and livestock farming with which she noted the proposal was in conflict. The development was visually intrusive with an adverse impact. Regard should also be had to the cumulative impact of such developments, noting the proposed development to the west of Baron's Cross.

*(note: the Lead Development Manager clarified that whilst the NDP had been signed off by Leominster Town Council with a view to it progressing to Regulation 16 stage the NDP Manager had confirmed by email during the meeting that it had not as yet been formally received by the Council.)*

- Paragraph 109 of the NPPF advocated the protection and enhancement of valued landscapes. Eaton Hill was considered a valuable asset within the NDP and part of the site was within a wider area identified in the saved policies of the Unitary Development Plan as a Minerals Safeguarding Area. Paragraph 120 of the NPPF also required that unacceptable risks of pollution should be prevented.
- The Woodland Trust had highlighted the adverse impact on Easters Wood. Paragraph 118 of the NPPF stated that planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats unless the need for, and benefits of, the development in that location clearly outweighed the loss. In this case the benefits did not outweigh the loss.
- The report quoted policies RA6 and E1 in support of the proposal's contribution to employment. However, the proposal would have the opposite effect. It would create one job but, for example, jeopardise the proposed dementia village at West Eaton nursing home (up to 60 jobs). The site was on the edge of the town. Odour and particulates would be discharged into an area close to a severe air management zone where no further adverse impact should be permitted.

- The proposal was not good enough for such a sensitive area despite the many attempts to modify it and too many issues still remained to be resolved. It should be refused or deferred until the outstanding issues were addressed.

In the Committee's discussion of the application the following principal points were made:

- The site was in the flood plain. The phosphate levels in the River Lugg already exceeded permitted limits and were considered by the Wye and Usk Foundation to be at a critical level. The proposal represented too much of a risk.
- The report stated that floor levels of the proposed building were to be above modelled levels of flooding but the reliance that could be placed on models given the nature of recent flooding events was questioned. The PPO commented that the level was above that predicted in a 1 in 100 year flood event with an allowance for climate change of 35% above the modelled level.
- A member commented that in the event of a flood electrical services would be likely to be cut off and the birds would suffocate.
- The amended conditions regarding the access were welcomed.
- Whilst the report stated that concerns raised about the application in relation to flooding and other matters had been answered by the Environment Agency or the local planning authority it was asked if consideration had been given to locating the site on higher ground with appropriate landscaping. In reply the PPO stated that this option had been discussed but landscape officers had considered that the impact would be too detrimental.
- The proposal was close to the Town and would have a considerable impact on a large number of people, both residents and visitors.
- The benefit to one sector of the economy had to be weighed against the multiplicity of interests in the wider area.
- The NPPF contained a presumption in favour of such development. It had been advised that the concerns that had been raised could be dealt with by conditions.

In response to questions the PPO commented as follows;

- There was no intention for there to be any markings or signage on the road. A traffic management plan would be submitted. It was possible that signs could be displayed within the site itself advising no right turn permitted, for example. There was no reason for pedestrian safety to be compromised.
- All surface water from the site would be captured within the attenuation pond permitting particulates to settle. Consultees considered the proposals satisfactory.
- Condition 12 restricted permission to the growing of pullets only.

The Lead Development Manager highlighted that there were no objections from the statutory or internal consultees. He considered that there was a risk of an appeal against any refusal of planning permission and, as in the case of a recent appeal at Moreton-on-Lugg, that costs would be awarded against the council. The question of phosphate levels in the River Lugg would be addressed by the Nutrient Management Plan.

The local ward members were given the opportunity to close the debate.

Councillor Stone commented that with the amended condition 7 the access should be suitable. However, he remained unconvinced about the site's suitability; economic

benefit to Leominster appeared minimal and the environmental impact was adverse. The concerns about flooding and the issues identified by the town and parish councils remained. The application should be deferred or refused.

Councillor Bartlett commented that too many outstanding questions remained. She questioned the soundness of the technical assessments that concluded, in theory, that issues such as flooding could be addressed, and whether the responses could indeed so readily be summarised as “no objection” Even if technically feasible this did not mean it was a good site in planning terms. The site was in a very sensitive area having regard to economic growth and wellbeing, detracting from rather than enhancing the economy. It was not in the right place. At the least the application should be deferred.

Councillor Shaw proposed and Councillor Baker seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions as set out in the update sheet. The motion was carried with 9 votes in favour, 2 against and 2 abstentions.)

**RESOLVED: That planning permission be granted subject to the following conditions:**

1. **A01 - Time limit for commencement (full permission)**
2. **B01 – Development in accordance with the approved plans**
3. **C09 – Details of cladding (agricultural and industrial buildings)**
4. **Prior to the commencement of development the applicant shall submit the following information to the local planning authority for their written approval:**
  - a) **Detailed drawings of the proposed attenuation pond and surrounding bund including plans, cross sections, design water levels, freeboard, invert levels, top of bank levels, inlet structures, outlet structures, and high level overflow.**
  - b) **Detailed drawings demonstrating the level-for-level flood compensation for all works that result in loss of the existing floodplain for the 1 in 100 year event with 35% climate change.**
  - c) **Detailed drawings of proposed outfall structures to the receiving watercourse.**
  - d) **Demonstration that there is sufficient capacity within the pumping station in the event of a 24 hour pump failure**
  - e) **Evidence that the Applicant has sought and agreed permissions to discharge foul water from the site with the Environment Agency**
  - f) **A Flood Emergency and Evacuation Plan**

**Reason: In order to ensure that the development does not increase flood risk elsewhere and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy**

5. **Finished floor levels shall be set no lower than 70.00mAOD in line with Revision 2 of the FRA dated 27 October 2016 (Section 8.3) with flood resilient techniques incorporated to a level of 70.30mAOD (Section 8.4) unless otherwise agreed in writing by the LPA.**

**Reason: To protect the proposed units from flood risk for the lifetime of the development and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy**

6. **Prior to the commencement of development details of the septic tank and raised mound soakaway system shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.**

**Reason: In order to protect the water environment of the local area and to comply with Policies SD3 and SD4 of the Herefordshire Local Plan – Core Strategy.**

7. **Prior to the development hereby approved being first brought into use the applicant shall submit a Traffic Management Plan for the written approval of the local planning authority. The plan shall particularly provide details of arrangements to ensure that vehicles entering the site do so from a northerly direction and exit in a southerly direction only so as to avoid right turns on the A49(T).**

**Reason: In order to ensure that the free flow of traffic on the A49(T) is ensured in the interests of highway safety and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy**

8. **No development shall commence until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority. The plan shall include the following details:**

- a. **Wheel cleaning apparatus which shall be operated and maintained during construction of the development hereby approved.**
- b. **Parking for site operatives and visitors which shall be retained and kept available during construction of the development.**
- c. **A noise management plan including a scheme for the monitoring of construction noise.**
- d. **Details of working hours and hours for deliveries**
- e. **A scheme for the control of dust arising from building and site works**
- f. **A scheme for the management of all waste arising from the site**
- g. **A travel plan for employees.**

**The agreed details of the CMP shall be implemented throughout the construction period.**

**Reason: In the interests of the residential amenity of properties within the locality and of highway safety in accordance with Policies SD1 and MT1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

9. **All planting detailed upon the Landscape Mitigation Plan by Haire Landscape Consultants – Figure 2 Revision B shall be carried out in the first planting season following completion of the development or first use of the building for agricultural purposes (whichever is the sooner). Any trees or plants that within a period of ten years of their planting die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.**

**Reason: To ensure a satisfactory appearance to the development in the landscape, in accordance with policies SS6, LD1, RA6 and SD1 of the Herefordshire Local Plan Core Strategy 2011-2031.**

10. The recommendations for species and habitat enhancements set out in the ecologist's report from Turnstone Ecology dated August 2016 should be followed unless otherwise agreed in writing by the local planning authority and the scheme shall be carried out as approved. A five year plan for habitat establishment and for management should be submitted to the local planning authority for approval. The plan shall be implemented as approved.

An appropriately qualified and experienced ecological clerk of works should be appointed (or consultant engaged in that capacity) to oversee the ecological mitigation work.

Reason: To ensure that all species are protected having regard to the Wildlife and Countryside Act 1981 (with amendments and as supplemented by the Countryside and Rights of Way Act 2000), the Natural Environment and Rural Communities Act 2006 and the Conservation of Habitats and Species Regulations 2010 (and 2012 amendment).

To comply Herefordshire Council's Policies LD2 Biodiversity and Geodiversity, LD3 Green Infrastructure of the Herefordshire Local Plan Core Strategy 2013 – 2031 and to meet the requirements of the National Planning Policy Framework (NPPF).

11. No as-dug excavated materials (soils, subsoils, overburden, minerals etc.) shall be removed from the land-holding or sold on to third parties.

Reason: To safeguard mineral reserves and because such removal would constitute minerals extraction which would require specific consideration by the Local Planning Authority under saved Policies S9, M2, M3 and M5 of the saved Herefordshire Unitary Development Plan, and the National Planning Policy Framework.

12. The building hereby permitted shall only be used for the growing of pullets and not for any other form of poultry related production (e.g. broilers).

Reason: The processes / activities associated with different forms of poultry related production have materially different environmental impacts that would require assessment.

13. If the development hereby permitted becomes redundant for the keeping / rearing of poultry a fully detailed scheme (including timescales) for the decommissioning of the facility, demolition of the buildings and restoration of the land to its former state shall be submitted to the Local Planning Authority within six months for their written approval. No work pursuant to this condition shall commence until the Local Planning Authority has given its written approval. In the event of the development becoming redundant for the keeping / rearing of poultry, the approved decommissioning and restoration scheme shall be fully implemented;

Reason: To safeguard the countryside from unnecessary large scale redundant developments and to comply with Policy LD1 of the Herefordshire Local Plan – Core Strategy

## INFORMATIVES:

- 1. The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. Negotiations in respect of matters of concern with the application (as originally submitted) have resulted in amendments to the proposal. As a result, the Local Planning Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework**
- 2. It is brought to the landowner/applicant's attention that the application site is identified under saved Policy M5 of the saved Herefordshire Unitary Development Plan (2007) as an area where there is the potential for sand and gravel deposits. If sand deposits are found during construction of the development and is of such a quality that you wish to prior extract this mineral resource you are advised to contact the Local Planning Authority.**
- 3. Any waste leaving the site shall be disposed of or recovered at a suitably permitted site in accordance with the Environmental Permitting Regulations (England and Wales) 2010. Where possible the production of waste from the development should be minimised and options for the reuse or recycling of any waste produced should be utilised.**

*(The meeting adjourned between 15.45 and 15.57pm).*

### **66. 171535 - LAND ADJACENT TO WOODHOUSE FARM, EDWYN RALPH, HEREFORDSHIRE.**

*(Proposed 3 no dwellings & garages.)*

*(Councillors James and Kenyon had left the meeting and were not present during consideration of this application. Councillor Baker was fulfilling the role of local ward member and accordingly had no vote on this application.)*

The Principal Planning Officer gave a presentation on the application, and updates/additional representations received following the publication of the agenda were provided in the update sheet, as appended to these Minutes.

In accordance with the criteria for public speaking, Mr D Roberts, of Thornbury Group Parish Council spoke in opposition to the Scheme. Mr A Evans, a local resident, spoke in objection.

In accordance with the Council's Constitution, the local ward member, Councillor BC Baker, spoke on the application.

He made the following principal comments:

- Edwyn Ralph was classified as an RA2 settlement. Development was concentrated to the west and north of the B4214. Land to the south east was considered to be of great landscape value. He questioned the sustainability of the site, noting the distances to schools and shops and that there was 1 bus a month.
- A previous application for 5 dwellings had been dismissed on appeal because of the impact on a listed building. The current application for 3 dwellings would still have an impact.

- There was a concern that anthrax infected cattle were buried on the site. No detailed excavation had been undertaken. It was therefore essential that an independent expert examination funded by the applicant be undertaken prior to any works disturbing the site.

In discussion a view was expressed that the proposal appeared to be infill but there was a question as to the need for 4 bedroom houses. A view was also expressed that the proposal was not in keeping with the area. Some surprise was also expressed that Edwyn Ralph had been classified as an RA2 settlement. It was noted that a public right of way diversion would be required

However, the principal concern related to the locally expressed view that there were anthrax infected cattle buried on the site. The Lead Development Manager (LDM) commented that standard conditions relating to contaminated land set out in the recommendation would be modified to address the concern and prevent the ground being disturbed in advance of an assessment of the presence of anthrax being made. He advised against a suggestion that consideration of the application should be deferred until an assessment had been carried out because of the risk of an appeal for non-determination and the award of costs against the council given that the previous inspector had accepted that conditions could cover this aspect.

The LDM added that the Core Strategy, in identifying Edwyn Ralph as an RA2 settlement allocated a minimum of 13 units to the settlement; to date 3 had been committed. No housing needs survey had been undertaken to assess the type of dwellings required.

He confirmed that supported by the appeal decision on an earlier application on the site, development of the site could not be extended beyond the application site. The appeal decision had indicated that the plot on the site with road frontage was acceptable for development, other plots on the site were not.

Members proposed that a landscaping condition should be imposed to avoid any impact on the historic asset together with a condition removing permitted development rights.

The local ward member was given the opportunity to close the debate. He reiterated that he did not consider the proposal to represent sustainable development.

Councillor Edwards proposed and Councillor Hardwick seconded a motion that the application be approved in accordance with the printed recommendation with additional conditions governing contamination, landscaping and the removal of permitted development rights. The motion was carried with 9 votes in favour and 2 against with no abstentions.)

**RESOLVED: That planning permission be granted subject to the following conditions:**

1. **A01 - Time limit for commencement (full permission)**
- 2 **B01 - Development in accordance with the approved plans**
- 3 **C01 - Samples of external materials**
- 4 **G02 - Retention of trees and hedgerows**
- 5 **G10 - Landscaping scheme**
- 6 **G11 - Landscaping scheme - implementation**



- 7 H03 - Visibility splays
- 8 H04 - Visibility over frontage
- 9 H05 - Access gates
- 10 H06 - Vehicular access construction
- 11 H09 - Driveway gradient
- 12 H11 Parking - estate development (more than one house)
- 13 H13 - Access, turning area and parking
- 14 H21 - Wheel washing
- 15 H27 - Parking for site operatives
- 16 H28 - Public rights of way
- 17 H29 - Secure covered cycle parking provision
- 18 F17 - Obscure glazing to window
- 19 **Prior to the first occupation of any of the residential development hereby permitted written evidence/certification demonstrating that water conservation and efficiency measures to achieve the 'Housing – Optional Technical Standards – Water efficiency standards' (i.e. currently a maximum of 110 litres per person per day) for water consumption as a minimum have been installed / implemented shall be submitted to the Local Planning Authority for their written approval. The development shall not be first occupied until the Local Planning Authority have confirmed in writing receipt of the aforementioned evidence and their satisfaction with the submitted documentation. Thereafter those water conservation and efficiency measures shall be maintained for the lifetime of the development;**  
  
**Reason: To ensure water conservation and efficiency measures are secured, in accordance with policy SD3 (6) of the Herefordshire Local Plan Core Strategy 2011-2031**
- 20 I16 - Restriction of hours during construction
- 21 I32 - Details of floodlighting/external lighting
- 22 **No development shall take place until the following has been submitted to and approved in writing by the local planning authority:**
  - a) a 'desk study' report including previous site and adjacent site uses, potential contaminants arising from those uses, possible sources, pathways, and receptors, a conceptual model and a risk assessment in accordance with current best practice
  - b) if the risk assessment in (a) confirms the possibility of a significant pollutant linkage(s), a site investigation should be undertaken to characterise fully the nature and extent and severity of contamination i.e pathogenic spores, incorporating a conceptual model of all the potential pollutant linkages and an assessment of risk to identified receptors

**PQB**

**c) if the risk assessment in (b) identifies unacceptable risk(s) a detailed scheme specifying remedial works and measures necessary to avoid risk from contaminants/or gases when the site is developed shall be submitted in writing. The Remediation Scheme shall include consideration of and proposals to deal with situations where, during works on site, contamination is encountered which has not previously been identified. Any further contamination encountered shall be fully assessed and an appropriate remediation scheme submitted to the local planning authority for written approval.**

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policy SS6 of Herefordshire Local Plan-Core Strategy.**

- 23 The Remediation Scheme, as approved pursuant to condition no. (3) above, shall be fully implemented before the development is first occupied. On completion of the remediation scheme the developer shall provide a validation report to confirm that all works were completed in accordance with the agreed details, which must be submitted before the development is first occupied. Any variation to the scheme including the validation reporting shall be agreed in writing with the Local Planning Authority in advance of works being undertaken.**

**Reason: In the interests of human health and to ensure that the Proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policy SS6 of Herefordshire Local Plan-Core Strategy.**

- 24 If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted, and obtained written approval from the local planning authority for, an amendment to the Method Statement detailing how this unsuspected contamination shall be dealt with.**

**Reason: In the interests of human health and to ensure that the proposed development will not cause pollution to controlled waters or the wider environment and to comply with Policy SS6 of Herefordshire Local Plan-Core Strategy.**

- 25 Notwithstanding the provisions of article 3(1) and Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015,(or any order revoking or re-enacting that Order with or without modification), no development which would otherwise be permitted under Classes A, B, C, E and H of Part 1 and of Schedule 2, shall be carried out.**

**Reason: In order to protect the character and amenity of the locality, to maintain the amenities of adjoining property and to comply with**

**Policy SD1 of the Herefordshire Local Plan – Core Strategy and the National Planning Policy Framework.**

**INFORMATIVES:**

1. **The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against planning policy and any other material considerations. It has subsequently determined to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework**
2. **HN01 - Mud on highway**
3. **HN02 - Public rights of way affected**
4. **HN04 - Private apparatus within highway**
5. **HN05 - Works within the highway**
6. **HN10 - No drainage to discharge to highway**
7. **HN13 - Protection of visibility splays on private land**
8. **HN28 - Highways Design Guide and Specification**

**67. DATE OF NEXT MEETING**

The Planning Committee noted the date of the next meeting.

**Appendix - Schedule of Updates**

The meeting ended at 4.32 pm

**Chairman**



# **PLANNING COMMITTEE**

**Date: 4 October 2017**

***Afternoon***

## **Schedule of Committee Updates/Additional Representations**

**Note: The following schedule represents a summary of the additional representations received following the publication of the agenda and received up to midday on the day before the Committee meeting where they raise new and relevant material planning considerations.**

## **SCHEDULE OF COMMITTEE UPDATES**

**162556 - ERECTION OF TWO POULTRY UNITS, FEED BINS, WIDENING OF EXISTING ACCESS, NEW ACCESS TRACK AND ASSOCIATED DEVELOPMENT AT LAND WEST OF EATON HILL, LEOMINSTER, HEREFORDSHIRE**

**For: Mr Corbett per Mr Graham Clark, Newchurch Farm, Kinnersley, Hereford, Herefordshire HR3 6QQ**

### **ADDITIONAL REPRESENTATIONS**

Correspondence has been submitted by the Board of Directors of Brightwells. They comment as follows:

We wish for our objection to be taken into account, on the basis of traffic, noise, odour and the proximity to the town of Leominster. We would also like to remind the Planning Committee that Brightwells has previously been denied road access by the Highways Agency onto the A49, which is comparable to the access detailed in this planning application.

A further letter of objection has also been received from a local resident. In summary the matters raised are as follows:

- The proposal is damaging to the quality of life of local residents by virtue of increases in odour, air and water pollution.
- Damaging to the attractiveness of the area to visitors.
- The proposal is within 200 metres of the R. Lugg in which phosphates are seven times the Natural England recommended level.
- Parts of Leominster have the worst air pollution in the county. The proposal will add to this.

### **OFFICER COMMENTS**

The concerns raised by the additional objections does not raise any new matters. Traffic, noise, odour, biodiversity and landscape impact are all considered in the officer's appraisal and the proposals are considered to be policy compliant in each case. The fact that Highways England were not minded to support proposals for Brightwells to create an access directly onto the A49 is not material to the determination of this application. However the significantly different amounts of traffic likely to be generated by the respective sites is considered to be why Highways England have arrived at different conclusions in each case.

As written, condition 7 does not preclude vehicles from turning right as they exit the site. It is therefore proposed to amend condition 7 to prevent right turns out of the site onto the A49.

I wish to amend the final sentence of paragraph 6.50 by adding “in accordance with s38(6) of the 2004 Act” after development plan

## **CHANGE TO RECOMMENDATION**

### **Amended condition 7**

Prior to the development hereby approved being first brought into use the applicant shall submit a Traffic Management Plan for the written approval of the local planning authority. The plan shall particularly provide details of arrangements to ensure that vehicles entering the site do so from a northerly direction *and exit in a southerly direction only* so as to avoid right turns on the A49(T).

Reason: In order to ensure that the free flow of traffic on the A49(T) is ensured in the interests of highway safety and to comply with Policy MT1 of the Herefordshire Local Plan – Core Strategy

**The following additional condition is also recommended:**

13) If the development hereby permitted becomes redundant for the keeping / rearing of poultry a fully detailed scheme (including timescales) for the decommissioning of the facility, demolition of the buildings and restoration of the land to its former state shall be submitted to the Local Planning Authority within six months for their written approval. No work pursuant to this condition shall commence until the Local Planning Authority has given its written approval. In the event of the development becoming redundant for the keeping / rearing of poultry, the approved decommissioning and restoration scheme shall be fully implemented;

Reason: To safeguard the countryside from unnecessary large scale redundant developments and to comply with Policy LD1 of the Herefordshire Local Plan – Core Strategy

**171535 - PROPOSED 3 NO DWELLINGS & GARAGES AT LAND  
ADJACENT TO WOODHOUSE FARM, EDWYN RALPH,  
HEREFORDSHIRE,**

**For: Johnson Brothers & Co Ltd per Mr John Needham, 22 Broad Street,  
Ludlow, Shropshire, SY8 1NG**

## **ADDITIONAL REPRESENTATIONS**

A covering letter attached to a petition raises the following main points:

- Not following due process, why was Heritage Statement withdrawn, not opportunity for scrutiny
- Contamination risk needs to be subject of scrutiny; application states no contamination of site
- Footpath incorrectly shown on plans

- Applicant has stated no trees /or hedgerows to be removed – not case with removal for access. Seen bats in adjoining pasture, contend bats use the hedgerow as well as a large number of species  
Footpath obstructed 'previous scheme removed plot to retain route between houses lowers quality of views for walkers
- Anthrax concern
- Negative impact on setting of listed building – note preserve significance of The Manor
- Lack of demonstrable need for development
- Land designated as AONB, example of land protected in NPPF from development
- Does not satisfy RA3 in Core Strategy
- Woodhouse Farm is a Heritage Asset
- What are published criteria for non-designated assets
- 'Fixing our broken housing market ' - White Paper relevant

## **OFFICER COMMENTS**

The withdrawal of the heritage statement by the applicant has not removed the obligation on the authority to assess the impact of the three dwellings on the significance of the setting of The Manor. This was one of the key issues when the appointed Inspector determined that the cul-de-sac form of development of 5 dwellings harmed the significance of a heritage asset.

The authority does not have published criteria/list for non-heritage assets. Each application is determined on the significance of the setting, which includes buildings and landscape. The Conservation Manager has addressed the significance of Woodhouse Farm in his consultation reply as did the appointed Inspector when determining the appeal for 5 dwellings earlier this year.

This is not an AONB. Edwyn Ralph is a designated settlement and therefore attracts development in accordance with Policy RA2.

An ecological assessment has been made of the roadside hedgerow and trees, which was the subject of the aforementioned dismissed Appeal. Therefore, it is not considered that are grounds for resisting development on bio-diversity grounds.

The applicant will need to apply for a diversion of the footpath separately from the determination of this application. Development cannot proceed until such time as this separate legal matter is resolved.

## **NO CHANGE TO RECOMMENDATION**